

CITY OF SAN JOSÉ, CALIFORNIA
Department of Planning, Building and Code Enforcement
801 North First Street, Room 400
San José, California 95110-1795

Hearing Date/Agenda Number
P.C. 08/10/05 Item

File Number
PDC05-025

Application Type
Planned Development Rezoning

Council District SNI
3 University

Planning Area
Central

Assessor's Parcel Number(s)
467-49-044

STAFF REPORT

PROJECT DESCRIPTION

Completed by: Lesley Xavier

Location: East side of South 10th Street, approximately 150 feet south of San Salvador Street

Gross Acreage: 0.17 Net Acreage: 0.17 Net Density: 35 DU/AC

Existing Zoning: R-M Multiple Residence Existing Uses: 6 multi-family attached residential units

Proposed Zoning: A(PD) Planned Development Proposed Use: 6 multi-family attached residential units

GENERAL PLAN

Completed by: LX

Existing Land Use/Transportation Diagram Designations

Medium High Density Residential (12-25 DU/AC)

Project Conformance:
☒ Yes ☐ No
☒ See Analysis and Recommendations

SURROUNDING LAND USES AND ZONING

Completed by: LX

North: Multi-Family Residential R-M Multiple Residence

East: Single-Family Residential R-M Multiple Residence

South: Single-Family Residential R-M Multiple Residence

West: Church R-M Multiple Residence

ENVIRONMENTAL STATUS

Completed by: LX

☐ Environmental Impact Report found complete
☐ Negative Declaration circulated on May 16, 2005
☐ Negative Declaration adopted on

☒ Exempt
☐ Environmental Review Incomplete

FILE HISTORY

Completed by: LX

Annexation Title: Original City

Date: 03/27/1850

PLANNING DEPARTMENT RECOMMENDATIONS AND ACTION

☒ Recommend Approval
☐ Recommend Approval with Conditions
☐ Recommend Denial

Date _____

Approved by: _____

CURRENT OWNER

Jose and Patricia Amaya
14805 Story Road
San Jose, CA 95127

CONTACT

Intero Real Estate, Pete Smith
1567 Meridian Avenue
San Jose, CA 95125

ARCHITECT

ABR Engineers, Alfred Rafuson
1261 Lincoln Avenue
San Jose, CA 95125

PUBLIC AGENCY COMMENTS RECEIVED

Completed by: LX

Department of Public Works

See attached memoranda

Other Departments and Agencies

See attached memoranda from the following:

- San Jose Fire Department

GENERAL CORRESPONDENCE

- None received.

ANALYSIS AND RECOMMENDATIONS

BACKGROUND

The applicants, Jose and Patricia Amaya, are proposing a Planned Development Rezoning from R-M Multiple Residence to A(PD) Planned Development Zoning District on a 0.17 gross acre site located on the east side of South 10th Street, approximately 150 feet south of San Salvador Street, to allow for the existing use of six multi-family attached residential units. The subject site is surrounded by multi-family residential to the north, single-family residential to the east and south, and a church to the west. It is located within the University SNI Redevelopment Project Area.

Project Description

The subject site is currently developed with a six-unit apartment complex. A Site Development Permit was approved in 1979, File No. H79-008, to allow for the six-unit residential structure to be moved onto the site and reduced to four-units in conformance with the R-M Multiple Residence Zoning District. The building was restricted to four units because of limited onsite parking. The structure has been illegally used as a six-unit apartment complex by failing to adhere to the required interior alterations to reduce the units to four. The proposed Planned Development Rezoning would allow the structure to remain as a six-unit apartment complex. Each unit contains one bedroom and one bathroom with one open parking space. The site does not provide any private or common open space.

ENVIRONMENTAL REVIEW

The project was found to be exempt from environmental review under Section 15303(b) of the CEQA Guidelines, which exempts the construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures; and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure. Examples of this exemption include but are not limited to: A duplex or similar multi-family residential structure, totaling no more than four dwelling units. In urbanized areas, this exemption applies to apartments, duplexes, and similar structures designed for not more than six dwelling units. The proposed project is located in an urbanized area and will allow the number of residential units in an existing structure to be legally increased from four to six and will not have a significant impact on the environment.

ANALYSIS

General Plan Conformance

The subject site has a *San Jose 2020 General Plan* Land Use/Transportation Diagram designation of Medium High Density Residential (12-25 DU/AC). The proposed six-unit residential project has a net density of 35 DU/AC. This density does not conform to the subject site's General Plan land use designation. The lack of conformance is due to the fact that the General Plan designation allows for 4 dwelling units on the site and the project is proposing 6 units. However, the site is under one acre in size and is consistent with the General Plan's Two Acre Rule Discretionary Alternate Use Policy, which allows for a development at a higher density range on parcels that are two acres or less for projects that are, (1) of exceptional design; (2) compatible with surrounding land uses; and (3) exceeds the minimum standards of the Zoning Ordinance and adopted design guidelines.

The subject site is developed as a six-unit apartment complex. The existing building and use is compatible with the scale, design, and intensity of the surrounding land uses in that the subject structure has been a part of the neighborhood fabric since 1979 and is surrounded by similar uses and structures of the same size with respect to setbacks and height. The building is not of an exceptional design and the site does not comply with the off-street parking requirements per the Zoning Ordinance; however, given that the site is an existing part of the neighborhood fabric and its design is integral to that found in the neighborhood, it is therefore an appropriate use of the Two Acre Rule Discretionary Alternate Use Policy. In addition, the proposed project furthers the General Plan's Housing Major Strategies by providing housing opportunities on infill property that is already served by existing urban services.

University Strong Neighborhoods Initiative Neighborhood Improvement Plan

The subject site is located within the boundaries of the University Strong Neighborhoods Initiative Neighborhood Revitalization Plan. The plan encourages illegal uses to either be removed or brought into compliance as long as the use is not a threat to health and safety of the public or is detracting from the quality of life in the neighborhood.

The Neighborhood Improvement Plan does not specifically identify the subject site. However, the Plan does have a list of specific improvements and/or actions that seek to revitalize the neighborhood. One of those actions is to preserve the existing diversity of the neighborhoods income levels, cultural identity, and housing type. The proposed project contributes to the diversity of housing types in the area because it is occupied and maintained by the property owner.

Parking

The Zoning Ordinance establishes parking standards based on the number of bedrooms per unit and the type of parking. The project proposes six, one-bedroom units with one open parking space per unit. The Zoning Ordinance requires 1.5 parking spaces per one-bedroom unit with an open parking arrangement. Based on the number of units and the recommended number of spaces per unit, the project would require a total of nine parking spaces on site. Therefore, the site is three parking spaces short of meeting the parking requirement. As a part of the proposed development standards, staff is recommending that the site provide an off-site alternative use parking arrangement for the three additional required spaces. This condition would need to be satisfied prior to the approval of a Planned Development Permit for the site. According to the applicant, the church located across the street from the subject site has agreed to provide an off-site, alternating use parking arrangement for the existing apartment.

COMMUNITY OUTREACH

Notices of the public hearing were distributed to the owners and tenants of all properties located within 500 feet of the subject site. The City Council Agenda is posted on the City of San José website, which includes a copy of the staff report. Staff has been available to discuss the project with interested members of the public.

RECOMMENDATION

Planning staff recommends that the Planning Commission forward a recommendation to the City Council to approve the proposed Planned Development Rezoning for the following reasons:

1. The proposed project may be found consistent with the San José 2020 General Plan, its goals and policies.
2. The proposed project furthers the goals and objectives of the University Strong Neighborhoods Initiative Neighborhood Improvement Plan.
3. The proposed project is compatible with existing and proposed uses on the adjacent and neighboring properties.